

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

S3 GRAPHICS CO., LTD.,

Plaintiff,

v.

ATI TECHNOLOGIES, ULC,  
ATI INTERNATIONAL SRL, and  
ADVANCED MICRO DEVICES, INC.,

Defendants.

Civ. No. 11-1298-LPS

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**ORDER**

At Wilmington this **29th** day of **September, 2015**:

For the reasons set forth in the Opinion issued this date, IT IS HEREBY ORDERED that:

1. S3G's Motion to Preclude Certain Opinions of Defendants' Technical Expert Edward J. Delp, III, Ph.D. (D.I. 265) is GRANTED to the extent it seeks to exclude Dr. Delp's opinions with respect to contract interpretation and ownership of the Disputed Patents and is DENIED in all other respects. Nonetheless, in the joint status report ordered below, the parties shall indicate whether they have reached agreement on what additional discovery (fact and/or expert) should be permitted in light of the Court's Opinion.

2. S3G's Motion for Partial Summary Judgment on Patent Ownership and Implied License (D.I. 270) is GRANTED with respect to ownership and express license and DENIED with respect to implied license.


3. Defendants' Motion for Summary Judgment and to Exclude Improper Expert Testimony (D.I. 262) is GRANTED with respect to: 1) damages, to the extent they are based on

lost licensing revenues; 2) S3G's defenses of estoppel, waiver and abandonment, and "other equitable defenses;" and 3) Mr. Plachno's opinions on terms of the APA. It is DENIED in all other respects.

4. Defendants' Motion for Leave to File Sur-Reply (D.I. 312) is GRANTED.

5. The parties shall meet and confer and submit a joint status report no later than October 6, 2015.

6. Because today's Opinion was issued under seal, the parties shall meet and confer and shall, no later than October 6, 2015, submit a proposed redacted version. Thereafter, the Court will issue a publicly available version of its Opinion.



UNITED STATES DISTRICT JUDGE